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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LIU, BEN H	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,278	SAKO ET AL.	
	Examiner	Art Unit	
	BEN H. LIU	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *July 1st, 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *November 2nd, 2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 1, 9, 26, and 55 are objected to because of the following informalities:

It is respectfully recommended that the applicant change the phrase "the informations" to "the information." Similar problems exist in claims 9, 26, and 55.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez et al. (U.S. Patent 6,922,664).

For independent claim 1, Fernandez et al. disclose an information transmission method of performing transmission of audio information and/or video information in a state where bio-

information of a participator present at a place where the information are acquired is multiplexed with respect to the audio information and/or the video information *(see column 2 lines 14-34, which recite a sensor system for transmitting the condition of a person along with audio/video signals to a network)*.

For independent claim 9, Fernandez et al. disclose an information transmission apparatus comprising information acquiring means for acquiring audio information and/or video information *(see column 2 lines 14-22, which recite a network accessible computing facility for transmitting audio/video information such as videoconferencing)*; bio-information detecting means for detecting bio-information of a participator present at a place where the information are acquired *(see column 2 lines 23-34, which recite a sensor or bio-metric device for detecting bio-information of a participator)*; and transmission means for performing transmission of the audio information and/or the video information that have been obtained from the information acquiring means, and the bio-information that has been obtained from the bio-information detecting means *(see column 2 lines 14-34, which recite a sensor system for transmitting the condition of a person along with audio/video signals to a network)*.

For independent claim 17, Fernandez et al. disclose an information recording method in which audio information and/or video information, and bio-information of a participator present at the place where these information are acquired are recorded with respect to a predetermined recording medium *(see column 2 lines 4-34 and column 3 lines 1-17, which recite a sensor system for recording the condition of a person along with audio/video signals in memory storage 86)*.

For independent claim 26, Fernandez et al. disclose an information recording apparatus comprising information acquiring means for acquiring audio information and/or video information *(see column 2 lines 14-22, which recite a network accessible computing facility for transmitting audio/video information such as videoconferencing)*; bio-information detecting means for detecting bio-information of a participator present at a place where the information are acquired *(see column 2 lines 23-34, which recite a sensor or bio-metric device for detecting bio-information of a participator)*; and recording means for recording, with respect to a predetermined recording medium, the audio information and/or the video information which that have been obtained from the information acquiring means and the bio-information which that has been obtained from the bio-information detecting means *(see column 2 lines 14-34, which recite a sensor system for transmitting the condition of a person along with audio/video signals to a network)*.

For claims 2, 10, 18, and 27, Fernandez et al. disclose an information transmission and recording method wherein the participator is speaker, player actor or actress, or conductor who serves as a source of the audio information, and/or performer or photographed person included within an image *(see column 2 lines 23-34, which recite a microphone 44, camera 42, and sensor or biometric device 50 that record the audio, video, and bio-information of a speaker)*.

For claims 3, 11, 19, and 28, Fernandez et al. disclose a information transmission and recording method wherein the participator is a listener present at the place where the audio information is acquired and/or a viewing person present at the place where the video information is acquired *(see column 2 lines 23-34, which recite a display 32, speaker 46, and sensor or biometric device 50 that record the audio, video, and bio-information of a listener)*.

For claims 4, 12, 20, 29, and 58, Fernandez et al. disclose a information transmission and recording method wherein transmission and recording of the bio-information is performed in a manner associated with the audio information and/or the video information corresponding to timing where the bio-information has been caused to take place *(see column 2 lines 64-67, which recite a system for real-time embedded monitoring for sensing conditions)*.

For claims 5, 13, 21, and 30, Fernandez et al. disclose an information transmission and recording method comprising the steps of partitioning for every time period of a same predetermined time length, the audio information and/or the video information, and the bio-information, and performing transmission of the partitioned bio-information in synchronism with audio information and/or video information of a corresponding predetermined time length *(see column 3 lines 33-37, which recite monitoring related conditions in approximate time periods)*.

For claims 6, 14, 22, and 31, Fernandez et al. disclose an information transmission and recording method comprising the steps of partitioning the audio information and/or the video information every time period of a predetermined time length; performing statistical processing of the bio-information every plurality of time periods of the predetermined time length to calculate statistical bio-information *(see column 5 lines 3-14, which recite processing the sensed signals for analysis)*; and performing transmission of the statistical bio-information in synchronism with audio information and/or video information of a plurality of periods of the corresponding time length *(see column 3 lines 33-37, which recite monitoring related conditions in approximate time periods)*.

For claims 7, 15, 23, 32, and 59, Fernandez et al. disclose an information transmission and recording method wherein the bio-information is at least one of body motion, myoelectricity,

body surface temperature, skin sweating, skin pressure, pulse, breath, micro-vibration, cardioelectricity, heartbeat, and blood pressure *(see column 4 lines 20-29)*.

For claims 8, 16, 25, and 34, Fernandez et al. disclose an information transmission and recording method wherein bio-information is extracted from audio information and/or video information, and is caused to undergo transmission or recording along with the audio information and/or the video information *(see column 2 lines 4-13 and 64-67, which recite a system for real-time embedded monitoring for sensing conditions using with such audio/video signals as videoconferencing)*.

For claims 24 and 33, Fernandez et al. disclose an information transmission and recording method wherein the recording medium is at least one of optical disc, magnetic tape, hard disc and semiconductor memory *(see column 3 lines 1-17, which recite a memory implemented on a semiconductor for storing sensed signals)*.

For independent claim 35, Fernandez et al. disclose an information reproducing method, comprising reproducing audio information and/or video information to offer the reproduced information thus obtained to a user *(see column 2 lines 23-34, which recite a screen display 32 and microphone 44 for reproducing video and audio signals)* ; and giving, to the user, sense stimulation based on bio-information of a participator present at a place where the audio information and/or the video information are acquired *(see column 6 lines 26-54, which recite a mechanical device 48 and dispenser device 52 in a simulator module 90 that provides sense stimulations based upon sensed physical conditions or attributes)*.

For independent claim 40, Fernandez et al. disclose an information reproducing method, comprising controlling, based on bio-information of a particular present at the a place where

audio information and/or video information are acquired, reproduction of audio information and/or video information to reproduce those information *(see column 6 lines 26-54, which recite a display 32 and audio device 46 in a simulator module 90 that reproduces audio or video signals based upon sensed physical conditions or attributes)*.

For independent claim 45, Fernandez et al. disclose an information reproducing method, comprising means for reproducing audio information and/or video information to offer the reproduced information thus obtained to a user *(see column 2 lines 23-34, which recite a screen display 32 and microphone 44 for reproducing video and audio signals)*; and means for giving, to the user, sense stimulation based on bio-information of a participator present at a place where the audio information and/or the video information are acquired *(see column 6 lines 26-54, which recite a mechanical device 48 and dispenser device 52 in a simulator module 90 that provides sense stimulations based upon sensed physical conditions or attributes)*.

For independent claim 50, Fernandez et al. disclose an information reproducing method that comprises a reproducing means for controlling on bio-information of a participator present at a place where audio information and/or video information are acquired reproduction of the audio information and/or the video information to reproduce those information *(see column 6 lines 26-54, which recite a display 32 and audio device 46 in a simulator module 90 that reproduces audio or video signals based upon sensed physical conditions or attributes)*.

For independent claim 55, Fernandez et al. disclose a recording medium in which audio information and/or video information, and bio-information of a participator present at a place where the information are acquired are recorded *(see column 3 lines 1-17, which recite a sensor*

system for real-time embedded monitoring for sensing conditions that uses a storage for storing the various signals).

For claims 36, 41, 46, and 51, Fernandez et al. disclose an information reproducing and storage method wherein the audio information and/or the video information, and the bio-information are received through a transmission method *(see column 6 lines 43-54, which recite receiving one or more input vectors including data and other signals that allows the simulator module 90 to generate output vectors to interact responsively with client use).*

For claims 37, 42, 47, and 52, Fernandez et al. disclose an information reproducing and storage method wherein the audio information and/or the video information, and the bio-information are read out from a recording medium *(see column 2 lines 4-34 and column 3 lines 1-17, which recite a sensor system for recording the condition of a person along with audio/video signals in memory storage 86).*

For claims 38, 43, 48, 53, and 56, Fernandez et al. disclose an information reproducing and storage method wherein the participator is a speaker, player, actor or conductor who serves as a source of the audio information, and/or performer or photographed person included within an image *(see column 2 lines 23-34, which recite a microphone 44, camera 42, and sensor or biometric device 50 that record the audio, video, and bio-information of a speaker).*

For claims 39, 44, 49, 54, and 57, Fernandez et al. disclose an information reproducing and storage method wherein the participator is a listener present at the place where the audio information is acquired and/or a viewing person present at the place where the video information is acquired *(see column 2 lines 23-34, which recite a display 32, speaker 46, and sensor or biometric device 50 that record the audio, video, and bio-information of a listener).*

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *(See form PTO-892).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2616